

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED

MAY 30 2007

UNITED STATES DISTRICT COURT

ROBERT H. SHEMWELL, CLERK
BY RP DEPUTY
SHREVEPORT

WESTERN DISTRICT OF LOUISIANA

LATONYA BUTLER,
INDIVIDUALLY AND ON BEHALF
OF HER MINOR CHILD,
ANDREANAY ANDERSON

Plaintiffs

* CIVIL ACTION NO.

1:07cv0924

VERSUS

MISS-LOU AMBULANCE SERVICE,
LLC, F/K/A METRO RURAL
SERVICES, LLC, D/B/A METRO
RURAL AMBULANCE

Defendants

* MAGISTRATE

* * * * *

NOTICE OF REMOVAL

Defendant, Miss-Lou Ambulance Service, LLC, ("Miss-Lou") removes to this court the state court action described below:

1.

Plaintiff instituted this proceeding on May 5, 2007, in the 7th Judicial District Court for the Parish of Concordia, State of Louisiana, captioned "LaTonya Butler, Individually and on behalf of her minor child, Andreanay Anderson versus Miss-Lou Ambulance Service, LLC, et al," Docket No. 42514, Division "A." A copy of the pleadings from the 7th Judicial District Court for the Parish of Concordia is attached hereto as Exhibit "A."

2.

The state court petition names Miss-Lou, a non-Louisiana defendant. In the petition, LaTonya Butler, individually and on behalf of her minor child, Andreanay Anderson, ("Plaintiffs") seek recovery for losses or damages incurred as a result of the death of Andreanay Anderson and Miss-Lou's alleged negligent conduct in transferring Anderson from Riverland

Hospital in Concordia Parish to the Louisiana State University Health Sciences Center (“LSUHSC”) burn unit in Shreveport, Louisiana.

3.

This Court has jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441 (a) and (b). There is complete diversity as to all properly joined parties and the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.

4.

Pursuant to 28 U.S.C. § 1446 (a), attached hereto as Exhibit “A” are all pleadings filed in the record of the State Court pleadings.

5.

This Notice of Removal is timely as it is filed within thirty (30) days of Miss-Lou receiving notice of the petition on May 5, 2007, in compliance with 28 U.S.C. § 1446 (b). This Notice of Removal is filed less than one year after commencement of the action in State Court. Complete diversity exists as to all properly joined parties.

6.

Plaintiffs are alleged to be domiciliaries of the State of Louisiana. *See* Petition at Introductory Paragraph.

7.

Miss-Lou is a foreign limited liability company formed under the laws of the State of Mississippi with its address and agent for service of process in Mississippi. *See* Petition at paragraph 1. 28 U.S.C. § 1332 (c)(1).

Amount in Controversy

8.

The Petition specifically alleges that Miss-Lou “caused a significant delay in Andreanay’s being able to receive appropriate medical treatment for her burns.” *See* Petition at paragraph 10. Further, the Petition alleges that Miss-Lou “deprived Andreanay of timely care and treatment and caused her to suffer more extensive injuries and death which more probably than not would not have occurred if timely care had been provided.” *See* Petition at paragraph 11.

9.

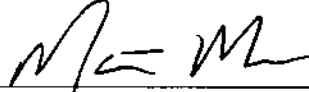
The Petition further alleges that LaTonya Butler “is entitled to be fully and completely compensated for all damages, both general and special, for all elements of damage encompassed by the wrongful death and survival action based upon the suffering and death of . . . Andreanay Anderson.” *Id.* at paragraph 15.

10.

Considering the amount sought for both the survival and wrongful death claims, the amount in controversy in plaintiffs’ claim clearly exceeds \$75,000.00, exclusive of interest and costs.

WHEREFORE, Defendant prays that this Honorable Court assume full jurisdiction over the cause herein as provided by law.

Respectfully submitted:



MATTHEW D. MONSON, T.A. (25186)

PAJARES & SCHEXNAYDRE, LLC

103 Northpark Boulevard, Suite 110

Covington, Louisiana 70433-6103

Telephone: (985) 292-2000

Facsimile: (985) 292-2001

*Counsel for Miss-Lou Ambulance
Service, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing Notice of Removal has been served upon all counsel of record by mailing a copy of same in the U. S. Mail, properly addressed and postage prepaid, this 29 day of May, 2007.



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ROBERT H. SHEMWEILL, CLERK
BY AP DEPUTY

SHREVEPORT
Matthew D. Monson
mmonson@pajares-schexnaydre.com

PAJARES & SCHEXNAYDRE
ATTORNEYS AT LAW

Also admitted in Texas

May 29, 2007

Via Federal Express

The Honorable Robert H. Shemwell
Clerk, United States District Court
Western District of Louisiana
1167 U.S. Courthouse
300 Fannin Street
Shreveport, Louisiana 71101

RE: NEW SUIT – NOTICE OF REMOVAL

LaTonya Butler, Individually, and on behalf of her minor child, Andreanay
Anderson versus Miss-Lou Ambulance Service, LLC f/k/a Metro Rural Services,
LLC, d/b/a Metro Rural Ambulance
P&S File No. 254-15

Dear Mr. Shemwell:

Attached for filing with the Court is the original and one copy of the following documents:

1. Notice of Removal;
2. List of All Parties and Pleadings; and
3. Civil Cover Sheet.

We ask that you file the originals into the record and return date-stamped copies to our office in the envelope we have provided herein.

Also attached is our firm check in the amount of \$350.00 in payment of your advance court costs due.

Thank you in advance for your cooperation in this matter.

With kind regards, I remain

Sincerely,



Matthew D. Monson

MDM:nhr

Enclosures

cc: (w/enclosures)

John L. Hammons, Esquire